

"Please file this case"

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
JOHN RICHARD JAE,
Plaintiff

CR# 16-00-109

12/7/00 (55)

U.S. District Judge

U.S. District Judge Smyth

FILED
HARRISBURG

DEC 06 2000

DR. ROBERT CLARK et al.,
Defendants

MARY E. D'ANDREA, CLERK

Per 1/8
DEPUTY CLERK

PLAINTIFF'S APPEAL TO THE U.S. DISTRICT JUDGE
FROM THE U.S. MAGISTRATE JUDGE'S ORDER OF 11-30-00

Plaintiff John Richard Jae, a layman Unlettered in the Arts & Sciences of the Laws & Legal Procedures within the United States, now files Plaintiff's Appeal To The U.S. District Judge From The U.S. Magistrate Judge's Order of 11-30-00 pursuant to Fed. R. Cr. P. Rule 12(a) & M.D.L.R. 22, & states:

Plaintiff John Richard Jae now hereby appeals from & specifically to the portion of the U.S. Magistrate Judge's Order of 11-30-00, as follows:

"We construe the plaintiff's motion as a motion to compel discovery." //

Plaintiff appeals from & specifically objects to such because there is no federal law and/or Local Rule of this Court which permits the U.S. Magistrate to sua sponte construe Plaintiff's Motion for Order Allowing Plaintiff to obtain Copy of the Prison Psychiatric/Mental Health Records as a motion to compel discovery. Had the U.S. Magistrate Judge not done so he never would have been able to deny Plaintiff's Motion the way he did. Thus, the U.S. Magistrate Judge's 11-30-00 order, herein, is clearly erroneous & contrary to Federal law & "must" be reversed by this Court.

Plaintiff further appeals from & specifically objects to the portion of the U.S. Magistrate Judge's 11-30-00 order which states: "I see U.S. Magistrate Judge's 11-30-00 order at 1."